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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,114	10/11/2000	David Kunin	14632	4941

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
50 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402-1498

EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 06/16/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/686,114

Applicant(s)

KUNIN ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-40 and 60-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 41-59 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Applicants mistakenly states to cancel claims 1-27, while in fact, only claims 1-17 were previously pending for examination. New pending claims are **claims 18-64** instead of **claims 28-74** as presented in the amendment dated 03/24/04 (paper no. 12). Legal Instrument Examiner already made necessary changes to pending claims (rule 1.126). Please note that a reference number after the revised claim number is referring to the incorrect claim number that the Applicants mistakenly use, i.e., “regarding claim 18 (28)” as denoted below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 18 (28) and 22 (32), applicants have conflicting concepts in the origination of “the voice signal.” In claim 18 (28) and in the argument, applicants note that the voice signal is transmitted using a phone network, then later in claim 22 (32), this claim calls for “the voice signal originates from a set top box associated with the user” without any description, explanation or support. Appropriate correction is required.

Election/Restrictions

4. Newly submitted **claims 41-59 (51-69)** directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

New claims 18-40 (28-50) call for a method and a system for viewing data retrieved over the Internet on a television system is clearly at the user's location remotely away from the server system, as also argued by the Applicants, classified in class 725/139, and new claims 41-59 (51-69) call for a system at the server side comprising distinct limitations such as "an audio signal processor, a data retriever, and a data transmitting system, a natural language interpretation system, a Web server, a data record and so on" are distinct components of the server system remote from the user's site, classified in class 725/114.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, *claims 41-59 (51-69) withdrawn from consideration as being directed to a non-elected invention.* See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-40 (28-50) and 60-64 (70-74) are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (U.S. Patent No. 6,543,052 B1) in view of Brown et al. (U.S. Patent No. 6,587,822 B2/ or "Brown" hereinafter).

Regarding claim 18 (28), Ogasawara discloses "a method for viewing data retrieved over the Internet on a television system", comprising: "receiving a voice signal transmitted from a user over a phone network, the voice signal including an instruction for browsing the Web" (Fig. 4, col. 2/lines 19-40; and col. 3/lines 44-65 and col. 4/lines 28-51 as a user uses a remote control unit as a portable telephone for controlling a television display including Internet accessing/ browsing via a television channel, and a microphone for capturing the voice signal from the user at the portable remote device 14). Furthermore, Ogasawara further discloses "retrieving data corresponding to the Web browsing instruction; and transmitted the retrieved data to the user over a television network; whereby at least portions of the retrieved data can be displayed on the television system associated with the user" (Figs. 5A & 5b for a browser and Internet browsing using the browser as well as the requested transaction for downloading a particular program or text to the display at the user's location, see Fig. 1 for a television display, and col. 9/lines 14-44).

Ogasawara does not further include the step of "identifying, at a remote location to the user, a Web browsing instruction corresponding to the instruction included in the received voice signal"; however, Brown teaches in a web-based platform for interactive voice response that voice signals or speech signals from the user's telephone is received at the web-based platform remotely from the user's location (Fig. 1/item 102, and col. 2/lines 55-59), and the platform further includes a voice recognizer, or namely (other name), a speech recognizer for recognizing,

interpreting, and analyzing voice signals or speech signals transmitted from a plurality of users (col. 3/line 53 to col. 4/line 13) to generate control signals for accessing/browsing the Internet (col. 4/lines 47-63 & col. 5/lines 7-17); and Brown includes an Internet browser for accessing/browsing the Internet and retrieving/organizing requested Internet contents (Fig. 2/item 110, and col. 3/lines 23-52) for accessing/browsing the Internet and retrieving/organizing requested Internet contents based on each user's requests.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ogasawara's system with Brown's detailed technique in using a web-based platform including a voice response system within a remotely web-based platform as discussed in order to handle voice or speech commands from a plurality of users at the system via their handset telephones, which controls the television display and the accessing/browsing the Internet using the web browser. The motivation for doing this is to allow the multiple voices processing of a plurality of users as the users use their telephone for requesting simultaneous services to the system, and the system can effectively handle multiple transactions at the same time to various types of networks as suggested by Brown.

As for claim 19 (29), 20 (30), 29 (39) and 30 (40), in further view of claim 18 above, Brown further teaches "wherein receiving the voice signal transmitted from the user over the telephone network comprises receiving, at a cable hub and at a phone hub, the voice signal transmitted from the user over the phone network" and "identifying, at a cable hub, the web browsing instruction corresponding to the received voice signal", i.e., the platform 102 is within network 104 and network 109, although it is shown separate networks, it can be in a same network, that the voice receiving and processing can be either at a cable hub or at a phone hub

(see Brown, col. 2/line 61 to col. 3/line 22) and web browsing instruction processing addressed either at a cable hub or at a phone hub as discussed earlier (col. 5/lines 17-59).

As for claim 21 (31), in further view of claim 18 above, Brown further teaches “wherein the voice signal transmitted from the user over the telephone network is transmitted over a digital phone network”, i.e., the processor 130 can be any other digital data processor for processing digital data (Brown, col. 4/lines 14-30).

As for claim 22 (32), in addition to the Rejection 112-2nd above, Ogasawara discloses “wherein the voice signal originates from a set top box associated with the user” (Fig. 4/item 78 for a voice recognizer within the set top box 10 associate with the user; col. 4/lines 29-38 for the use of voice recognition, col. 5/line 50 to col. 6/line 4 for the step of routing the voice signal to the voice recognizer using the remote 30 or microphone 32, and col. 6/line 66 to col. 7/line 10 for more details on the voice recognizer 78).

As for claim 23 (33), Brown further discloses “analyzing the voice signal with a natural language representation system” (Brown, col. 3/line 53 to col. 4/line 13 as a natural language can be interpreted and analyzed in the speech recognizer 112).

As for claims 24 (34) and 25 (35), Ogasawara discloses the steps of “sending a request to a web server for data corresponding to the Web browsing instruction” and “sending a request to a remote web server for data corresponding to the Web browsing instruction” (Figs. 5A & 5b for a browser and Internet browsing using the browser as well as the requested transaction for downloading a particular program or text from the remote server ISP 22, Fig. 1 and col. 9/lines 14-37).

As for claims 26 (36) and 27 (37), Ogasawara further discloses the technique of “including a unique identifier with the transmitted data, and wherein the unique identifier is associated with the user and unable to direct the transmitted data to the user” and “wherein the unique identifier is associated with a particular set top box”, i.e., an IC card contains necessary information for identifying the unique identifier of the set top box for secure ordering via the set top box, not directly to the user (col. 8/lines 22-44).

As for claims 31-33 (41-43) and 38-40 (48-50), the combination of Ogasawara and Brown further teaches features of including “a satellite television network, a digital television network, transmitting the retrieved data to the user over a particular television channel” (Brown, col. 415-46), and “wherein the phone network comprises PSTN, the television system comprises a television and a cable box” (Ogasawara, Figs. 1-4, as discussed earlier through out the action).

As for claims 34-37 (44-47), these claims for “a feature associated with the user’s telephone and its address for identifying the transmitted data to the user and the phone number as a unique identifier for the user” are disclosed by Ogasawara (col. 4/lines 13-51 as an interphone can be used for providing controls via the set top box; and using keypad for entering a phone number and other user information for identifying, if needed (col. 5/lines 9-41 & col. 6/lines 12-52).

Regarding claims 60-64 (70-74), these method claims with same limitations are rejected for the reasons given in the scope of claims 18-40 (28-50) as already discussed in details above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 99, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



VIVEK SRIVASTAVA
PRIMARY EXAMINER

Krista Bui
Art Unit 2611
June 10, 2004